

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-221221.2 DATE: January 21, 1986

MATTER OF: Summerville Ambulance Inc.,--Request for  
Reconsideration

## DIGEST:

Dismissal of initial protest for failure to file a copy of the protest with the contracting officer within 1 day after filing with GAO is affirmed since protester failed to comply with the Bid Protest Regulations.

Summerville Ambulance, Inc. requests reconsideration of our dismissal of its protest under invitation for bids (IFB) No. 534-07-86 issued by the Veterans Administration. We dismissed the protest because Summerville failed to furnish a copy of the protest to the contracting officer within 1 day after the protest was received in our Office as required by our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1985).

For the reasons stated below, we find that the protest was properly dismissed.

Summerville's protest was filed in our Office on December 3, 1985. On December 9, the VA called to complain that neither its headquarters nor the contracting officer at its procuring office had received a copy of the protest. We therefore dismissed the protest.

In its request for reconsideration, Summerville does not state that it had sent a copy to the contracting officer. Instead, Summerville contends that the dismissal was based on an "insignificant technicality" because 1 day cannot adversely affect the process and that our regulations do not state or imply that a bid protest will be dismissed if the contracting agency does not receive a copy within 1 day after it is filed with our Office.

The Competition in Contracting Act of 1984, 31 U.S.C.A. § 3553(b)(2)(A) (West Supp. 1985), and our implementing regulations impose a strict time limit of 25 working days for an agency to file a written report with

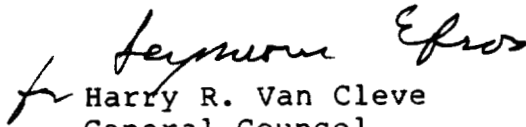
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our Office from the date of notice of the protest from our Office. 4 C.F.R. § 21.3(c). Extensions are considered exceptional and are sparingly granted. Further, our Office generally must issue a final decision within 90 working days after the protest is filed. Permitting delays in furnishing copies of protests to the contracting agencies would hamper contracting agencies' ability to comply with the statutorily imposed time limitation for filing reports, and could frustrate our efforts to provide effective and timely consideration of the protests of procurement actions. See Sabreliner Corp., 64 Comp. Gen. 325 (1985), 85-1 CPD ¶ 280.

We do not accept Summerville's argument that the regulations do not state or imply that a protest will be dismissed if the contracting officer does not receive a copy within 1 day. The regulations require a protester to furnish a copy of the protest "no later than 1 day after the protest is filed with the General Accounting Office." 4 C.F.R. § 21.1(d). In addition, 4 C.F.R. § 21.1(f) specifically provides that a protest may be dismissed for "failure to comply with any of the requirements of this section."

Despite Summerville's challenge to the reasonableness of the 1 day requirement, the fact remains that the agency had not received a copy of the protest 6 calendar days after receipt of the protest in our Office, at which time we dismissed the protest.

The dismissal is affirmed.

  
Harry R. Van Cleve  
General Counsel